

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 UBALDO SALDANA-GARCIA,

Case No. 2:19-cv-00441-APG-PAL

5 Petitioner,

ORDER

6 v.

7 BRIAN WILLIAMS, et al.,

8 Respondents.

9 This apparent habeas action was opened with the filing of an application for leave to
10 proceed *in forma pauperis*. ECF No. 1. Petitioner Ubaldo Saldana-Garcia indicates in the
11 application that he seeks pauper status with respect to a habeas petition, but he has filed no such
12 petition. The action, therefore, has not been properly commenced.

13 IT IS HEREBY ORDERED that petitioner Ubaldo Saldana-Garcia will, within 30 days of
14 the date of this order, file the petition he seeks to pursue in this case. Failure to do so will result
15 in the dismissal of this action, without prejudice, as improperly commenced. Saldana-Garcia at
16 all times remains responsible for calculating the running of the federal limitation period and timely
17 asserting claims, without regard to any deadlines established or extensions granted herein. That
18 is, by ordering Saldana-Garcia to file a petition in this case, I make no finding that any petition
19 would not be subject to dismissal as untimely. *See Sossa v. Diaz*, 729 F.3d 1225, 1235 (9th Cir.
20 2013).

21 The Clerk of Court will send petitioner Ubaldo Saldana-Garcia two copies each of the
22 forms for 28 U.S.C. § 2254 and 28 U.S.C. § 2241 petitions.

23 DATED THIS 7th day of April, 2019.

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25 ANDREW P. GORDON
26 UNITED STATES DISTRICT JUDGE
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